

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

KRISTEN McCALLUM and  
CHRISSY JEWELL,

Plaintiffs,

v.

JAMES RITTER; HOLY CROSS  
LUTHERAN CHURCH OF  
SPOKANE; and THE  
NORTHWEST DISTRICT OF THE  
LUTHERAN CHURCH MISSOURI  
SYNOD,

Defendants.

NO. CV-08-169-RHW

**STIPULATED PROTECTIVE  
ORDER FOR CONFIDENTIAL  
INFORMATION AND  
DOCUMENTS**

Before the Court is the parties's Stipulated Protective Order for Confidential Information and Documents. The Court finds that good cause exists to enter the Stipulated Protective Order.

The following Protective Order is hereby **ENTERED** in the above-captioned case:

**I. CONFIDENTIAL INFORMATION AND/OR DOCUMENTS**

Pursuant to the Stipulation for Protective Order for Confidential Information and Documents submitted by the parties, this Order is intended to specify the handling of all documents, records, things, or information produced in this litigation by any party that is designated as "Confidential" and provided to or from Plaintiffs' counsel or to or from Defendants' counsel.

**A. Confidential Information.**

"Confidential" information is defined, for purposes of this Protective Order,

1 as any and all information related to information contained within Plaintiffs’  
2 medical or psychological records, deposition testimony and exhibits related to  
3 Plaintiffs’ medical or psychological treatment, including information related to  
4 Plaintiffs’ sexual history or behavior (if any).

5 Absent a court order, “Confidential” information shall not be disseminated  
6 beyond defendants' insurance carrier representative; Defendants’ counsel; persons  
7 employed with counsel or retained by counsel as consulting and/or trial experts;  
8 Pastor Mike Von Behren, Mike Faulkenberry, Barry Hilt, and Margaret Hansen of  
9 the Holy Cross Church; and William Schumacher, Jenny McIvor, and Richard  
10 Weniger of the Northwest District. Persons receiving such “Confidential”  
11 information shall receive access to “Confidential” information only upon  
12 certification of compliance with the terms of this Stipulation as provided in Section  
13 V of this Order.

14 **B. Confidential Documents.**

15 “Confidential” documents are defined, for purposes of this Order, as any and  
16 all of Plaintiffs’ medical or psychological records, deposition transcripts and  
17 exhibits related to Plaintiffs’ medical or psychological treatment, including  
18 information related to Plaintiffs’ sexual history or behavior (if any).

19 “Confidential” documents shall be provided only to Defendants’ counsel,  
20 persons employed with defendants' counsel or persons retained by defendants’  
21 counsel as consulting and/or trial experts, but only upon certification of  
22 compliance with the terms of this Stipulation as provided in Section V of this  
23 Order.

24 Pastor Mike Von Behren, Mike Faulkenberry, Barry Hilt, and Margaret  
25 Hansen of the Holy Cross Church; and William Schumacher, Jenny McIvor, and  
26 Richard Weniger of the Northwest District will not be provided access to or copies  
27 of Plaintiffs’ medical or psychological records without a court order or Plaintiffs’  
28 prior written consent.

1           **C.     Procedures for Filing Confidential Information and/or**  
2 **Documents.**

3           The following procedure is to be used when filing such information,  
4 documents or pleadings that contain or reference such documents, pleadings or  
5 information: The parties shall address with the Court the procedure it requires to  
6 address the filing of “Confidential” information and/or documents and counsel will  
7 abide by those provisions established by the Court.

8 **II.     IDENTIFICATION AND PRODUCTION OF CONFIDENTIAL**  
9 **INFORMATION AND/OR DOCUMENTS**

10          Any party may move the Court for an order requiring in camera review by  
11 the court of any information or document identified as “Confidential” to determine  
12 if such information or document falls within the terms of this Stipulation.  
13 However, prior to any motion for an order for in camera review, the parties shall  
14 meet and confer in a reasonable effort to come to an agreement regarding  
15 classification of, production of, or use of any confidential information or  
16 document.

17 **III.    USE OF CONFIDENTIAL INFORMATION AND/OR DOCUMENTS**

18          All persons authorized to obtain access to any confidential information or  
19 documents, or any copies thereof, pursuant to this Order shall not use, copy or  
20 disseminate such confidential information or documents for any purpose other than  
21 litigation of this matter. Use of confidential information or documents for oral  
22 and/or written dissemination to any member of the public; any member of the  
23 media including radio, television, print, digital, optical, or otherwise via computer,  
24 telephone, facsimile, or any other communication medium; or any person not  
25 otherwise specifically authorized herein, is STRICTLY PROHIBITED unless  
26 otherwise permitted by court order.

27          All persons authorized to obtain access to confidential information,  
28 documents or any copies thereof, shall store such information and any and all

1 reports or notes made thereof in a safe place and that all copies are to remain in the  
2 custody of such designated persons as identified herein.

#### 3 **IV. NONWAIVER OF OBJECTIONS TO DISCOVERY**

4 Nothing herein shall affect any party or person's right to object to any  
5 discovery request in this action, including the right to assert that no discovery  
6 should be had of certain documents or information.

#### 7 **V. CERTIFICATION OF COMPLIANCE**

8 No person authorized under the terms of this Order to receive access to  
9 documents designated as either "Confidential" shall be granted access to them until  
10 such person has read this Order and agreed in writing to be bound by signing a  
11 copy of the form attached hereto as Exhibit "A" and delivering same to counsel for  
12 the party that has produced or will be producing documents or information marked  
13 as "Confidential."

#### 14 **VI. INADVERTENT DISCLOSURE**

15 The inadvertent or unintentional disclosure by the producing party of  
16 confidential information or documents either by way of document production or  
17 testimony, shall not be deemed a waiver in whole or in part of a party's claim of  
18 confidentiality, either as to the specific information disclosed or as to any other  
19 information relating thereto or on the same or related subject matter. It shall be the  
20 obligation of all counsel, upon hearing of any breach or reasonable belief of an  
21 intent to breach this Order by any person, promptly to notify counsel for the  
22 opposing party of such breach or intent to breach.

#### 23 **VII. PROCEDURE UPON DISPOSITION**

24 The provisions of this Protective Order shall not terminate at the conclusion  
25 of this litigation. Absent any court order to the contrary, within 30 days after  
26 disposition or settlement, confidential information or documents and all copies of  
27 same, and all documents containing or referring to confidential information not in  
28 the possession of counsel or Church Mutual, shall be returned to the party or

1 person's counsel for immediate destruction. All parties or persons that received  
2 confidential information shall make certification of compliance with this section  
3 and shall deliver same to counsel for the party or person that produced the  
4 documents within 30 days after the disposition of this claim. Counsel and Church  
5 Mutual (the latter which will only have references to confidential information) who  
6 retain confidential information and/or documents shall keep those documents  
7 and/or information consistent with their record retention policies.

#### 8 **VIII. INTERIM PROTECTION**

9 "Confidential" documents or information, if any, produced by a party  
10 through discovery in this action prior to the entry of this Order by the Court shall  
11 be subject to the provisions of this Order to the same extent as if the Order had  
12 been entered by the Court prior to such production, unless the Court otherwise  
13 directs.

14 Accordingly, **IT IS SO ORDERED.** The District Court Executive is  
15 directed to enter this Order and forward copies to counsel.

16 **DATED** this 8th day of June, 2009.

17  
18 *s/Robert H. Whaley*

19 ROBERT H. WHALEY  
20 Chief United States District Judge  
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**EXHIBIT A**

1. I, \_\_\_\_\_, have read the Protective Order (“Order”) entered in *McCallum, et al. v. James Ritter, et. al.*, U.S. District Court of Eastern Washington, Docket No. CV-08-169-RHW, and agree to be bound by its terms with respect to any documents, material or information designated by the parties or otherwise treated under the Order as either “Confidential” that are furnished to me as set forth in the Order.
2. I further agree not to: (i) disclose to anyone any documents, materials or information designated by the parties or otherwise treated under the Order as either “Confidential” other than as set forth in the Order; and (ii) make any copies of any documents, material or information designated by the parties or otherwise treated under the Order as either “Confidential” furnished to me except in accordance with the Order.
3. I hereby consent to venue and jurisdiction in the U.S. District Court of Eastern Washington, with regard to any proceedings to enforce the terms of the Order.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature